Inventorship Declaration By Joint Inventors

I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are stated next to my name in PART A hereof.

I believe I am the original, first, and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

ANTISENSE RESTENOSIS COMPOSITION AND METHOD

the specification of which:

- is attached hereto.
- was filed on January 29, 2000 as Application Serial No. 09/493,427.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed in PART B hereof and have also identified in PART B hereof any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed.

I hereby claim the benefit under Title 35, United States Code, §119(e) and §120 of any United States application(s) listed in PART C hereof and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations §1.56 which occurred between the filing date of the prior application and any national or PCT international filing date of this application.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please direct all telephone calls to Peter J. Dehlinger (650) 324-0880. Address all correspondence to:

Iota Pi Law Group  
P.O. Box 60850  
Palo Alto, CA 94306-0850

Inventorship Declaration By Joint InventorsPART A: INVENTOR INFORMATION AND SIGNATUREFull name of first/joint inventor: Patrick L. IversenCitizenship: USA Post Office Address: 5902 N.W. Fair Oaks Place  
Corvallis, OR 97330Residence (if different): SameInventor's Signature: Pat L. Iversen Date: June 21, 2000Full name of second/joint inventor: Dwight D. WellerCitizenship: USA Post Office Address: 3323 N.W. Elmwood  
Corvallis, OR 97330Residence (if different): SameInventor's Signature: Dwight D. Weller Date: 22 Jan 2000PART B: CLAIM TO PRIORITY OF FOREIGN APPLICATION(S) UNDER 35 U.S.C. 119(a-d)

| Country | App. No. | Filing Date |
|---------|----------|-------------|
|---------|----------|-------------|

PART C: CLAIM TO PRIORITY OF U.S. PROVISIONAL AND NONPROVISIONAL  
APPLICATION(S) UNDER 35 U.S.C. 119(e) AND 120

| Serial No.        | Filing Date            | Status                                      |
|-------------------|------------------------|---|
| <u>60/117,846</u> | <u>29 January 1999</u> | <input type="checkbox"/> Patented           |
|                   |                        | <input checked="" type="checkbox"/> Pending |
|                   |                        | <input type="checkbox"/> Abandoned          |

Attorney Docket No.: 0450-0025.30  
Applicant: Iversen et al.  
Serial No.: 09/493,427  
Filing Date: January 29, 2000  
For: ANTISENSE RESTENOSIS COMPOSITION AND METHOD



3

Small Entity Statement Under  
37 CFR 1.9(f) and 1.27(c) - Small Business Concern

I hereby declare that I am:

- The owner of the small business concern identified below:  
 An official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern: AVI BioPharma, Inc.

Address of Concern: 4575 S.W. Research Way, Suite 200  
Corvallis, OR 97333

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 CFR §121.12, and reproduced in 37 CFR §1.9(d), for purposes of paying reduced fees under 35 U.S.C. §41 in that the number of employees, including those of its affiliates, does not exceed 500 persons and the concern has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section. For this section, concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.

I hereby declare that rights under contract or law in the above-identified application have been conveyed to and remain with the small business concern identified above. If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR §1.9(d) or by any concern which would not qualify as an independent inventor under 37 CFR §1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR §1.9(d) or a nonprofit organization under 37 CFR §1.9(e).

NOTE: Separate statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR §1.27).

Name: \_\_\_\_\_

Address: \_\_\_\_\_

individual     small business concern     nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR §1.28(b)).

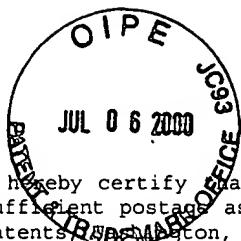
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this statement is directed.

NAME OF PERSON SIGNING: Mark Webber

TITLE OF PERSON SIGNING: Chief Financial Officer

ADDRESS OF PERSON SIGNING: 1661 SW 49th St, #125  
Corvallis, Oregon 97333

signature: Mark M. Webber Date: June 21, 2000



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231, on:

Date: 6-30-00

By: Doug Thom

Docket No. 0450-0025.30

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Iversen et al.

SERIAL No.: 09/493,427

FILED: January 29, 2000

FOR: **ANTISENSE RESTENOSIS  
COMPOSITION AND METHOD**

EXAMINER: Unknown

ART UNIT: 1623

**Power of Attorney by Assignee and Certification  
Under 37 CFR §3.73(b)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, the undersigned, acting on behalf of the Assignee of

- an undivided share of the entire right, title, and interest  
 the entire right, title and interest

in the above-identified patent application, appoint the attorneys and agents listed below to prosecute this application and transact all business with the U.S. Patent and Trademark Office in connection therewith. This appointment is to the exclusion of the inventor(s) and their attorney(s) and agent(s) in accordance with the provisions of 37 CFR 3.71.

All prior powers of attorney for this application are hereby revoked. The appointed representatives are:

Peter J. Dehlinger, Registration No. 28,006  
Judy M. Mohr, Registration No. 38,563  
LeeAnn Gorthey, Registration No. 37,337  
Linda R. Judge, Registration No. 42,702  
Michael L. Gencarella, Registration No. P44,703  
Michael T. Gabrik, Registration No. 32,896

all affiliated with Iota Pi Law Group.

Direct all telephone calls to Peter J. Dehlinger at (650) 324-0880. Address all correspondence to:

Iota Pi Law Group  
P.O. Box 60850  
Palo Alto, CA 94306  
Telephone: (650) 324-0880

In accordance with 37 CFR 3.73(b), I hereby certify that I am empowered to act on behalf of the Assignee. To the best of my knowledge and belief, title is in the Assignee, as evidenced by the Assignment noted above.

I further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, USC §1001 and that such willful false statements may jeopardize the validity of the this application or any patent resulting therefrom.

ASSIGNEE: AVI BioPharma, Inc.

Signature: 

Typed Name: Patrick L. Iversen

Title: Senior VP Research and Development

Date: June 21, 2000

Address: 5902 NW Fair Oaks Drive  
Corvallis, Oregon 97330